

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

Vote No. 269

September 15, 1998, 5:32 p.m.  
Page S-10378 Temp. Record

## INTERIOR APPROPRIATIONS/NEA Funds to the Park Service

**SUBJECT:** Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1999 . . . S. 2237.  
Gorton motion to table the Ashcroft amendment No. 3593.

### ACTION: MOTION TO TABLE AGREED TO, 76-22

**SYNOPSIS:** As reported, S. 2237, the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1999, will provide \$13.658 billion in new budget authority, which is \$660 million less than requested. None of the funds in the bill will be used to implement actions called for solely under the Kyoto protocol (regarding so-called "greenhouse gases") prior to its ratification. More than \$8.23 billion will be generated from oil and gas leasing and other mineral leasing activities, from timber and range programs, and from oil production from the naval petroleum reserves.

**The Ashcroft amendment** would strike the \$100 million in funding for the National Endowment for the Arts (NEA) and would increase funding for the Park Service by the same amount.

Debate was limited by unanimous consent. After debate, Senator Gorton moved to table the Ashcroft amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

Argument 1:

The NEA, in the past, has funded some projects which many of us found highly offensive. Consequently, we favored the restrictions that were recently put in place to prevent such funding in the future. So far those restrictions appear to be working. Our colleagues have cited one case which they say demonstrates that offensive projects can still receive funding. However, in that case only preliminary approval had been given for a grant. That preliminary approval was given based upon a brief and misleading

(See other side)

YEAS (76)				NAYS (22)		NOT VOTING (2)	
Republican (33 or 60%)		Democrats (43 or 100%)		Republicans (22 or 40%)	Democrats (0 or 0%)	Republicans (0)	Democrats (2)
Abraham	Hatch	Akaka	Johnson	Allard			Hollings- <sup>2</sup>
Bennett	Hutchison	Baucus	Kennedy	Ashcroft			Mikulski- <sup>2</sup>
Bond	Jeffords	Biden	Kerrey	Brownback			
Burns	Kempthorne	Bingaman	Kerry	Coats			
Campbell	Lugar	Boxer	Kohl	Coverdell			
Chafee	Murkowski	Breaux	Landrieu	Faircloth			
Cochran	Roberts	Bryan	Lautenberg	Gramm			
Collins	Roth	Bumpers	Leahy	Grams			
Craig	Santorum	Byrd	Levin	Hagel			
D'Amato	Smith, Gordon	Cleland	Lieberman	Helms			
DeWine	Snowe	Conrad	Moseley-Braun	Hutchinson			
Domenici	Specter	Daschle	Moynihan	Inhofe			
Enzi	Stevens	Dodd	Murray	Kyl			
Frist	Thomas	Dorgan	Reed	Lott			
Gorton	Thurmond	Durbin	Reid	Mack			
Grassley	Warner	Feingold	Robb	McCain			
Gregg		Feinstein	Rockefeller	McConnell			
		Ford	Sarbanes	Nickles			
		Glenn	Torricelli	Sessions			
		Graham	Wellstone	Shelby			
		Harkin	Wyden	Smith, Bob			
		Inouye		Thompson			

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

description of the project, a play called "Corpus Christi." The group requesting funding dropped its request before it revealed that the play was actually a highly offensive, anti-Christian tract. Had funding been approved once the full nature of the play had become evident, we would likely be voting in favor of this amendment. Like our colleagues who have offered this amendment, we are also concerned that the Supreme Court, in its recent review of the restrictions on NEA grants, did not take a stronger stand in defending their constitutionality. Still, the restrictions have not been struck down, and they appear to be working. As long as they work we will support NEA funding. Therefore, we support the motion to table this amendment.

**Argument 2:**

The arts have a central and indispensable role in the life of America. The NEA contributes immensely to that life. It encourages the growth and development of the arts in communities throughout the country, giving new emphasis and vitality to American creativity and scholarship and to the cultural achievements that are among America's greatest strengths. The amount of funding provided by the NEA each year, \$100 million, is minimal when spread around the country, but that funding has a disproportionate impact because it confers national recognition on grant recipients. That publicity results in a large increase in other sources of funding for those recipients. Members who are concerned about declining educational standards should be pleased to hear that research shows that students who have had 4 or more years instruction in the arts score 59 points higher on the verbal part of the SAT test and 44 points higher on the math part. If we continue and expand arts funding, we will be able to enrich the lives of more children and at the same time improve their academic skills. A thriving civil society has always had thriving arts. We support the NEA, and thus oppose this amendment.

**Those opposing the motion to table contended:**

Over the years the NEA has used taxpayer funding to pay for "central and indispensable" works of "art" that we and most Americans find highly offensive and sickening. Even if it never funded such art, though, the NEA should not exist, because it results in artists tailoring their work to meet NEA biases and thus win grants (several art critics have complained that the current NEA bias in favor of a politically correct agenda has dulled artistic creativity in America). Further, having government funding of the arts is by definition anti-democratic. We object to the NEA having a politically correct agenda, but we object even more strongly to its having an agenda at all. A government should not be involved in choosing art that it believes that people should like. That decision should be left to the people themselves.

Two significant events have occurred since Congress enacted restrictions on the NEA in an effort to stop it from giving offensive grants. First, the NEA approved a grant for a play called "Corpus Christi." In its grant request, the Manhattan Theater Club (MTC) provided only the following description of the play to the NEA: "Spirituality has been one of the major themes in Terrence McNally's most recent plays at MTC. His next play, *Corpus Christi*, will be an examination of good and evil. He will use certain miracles in the life of Christ as the inspiration for the story, which will have a contemporary setting." Based on that description, the NEA informed the MTC that it had been awarded a \$31,000 grant "to support expenses for the development and world premiere" of the play. The MTC later wrote to the NEA requesting a "scope change" for the grant so that the money could be used to pay for producing Donald Margulies' "Collected Stories" instead. Based on a single paragraph that mentions past works by Margulies and that uses a whole 28 words to describe "Collected Stories," the NEA approved the change. The reason the MTC requested a change has become apparent in recent months due to a release of the script for *Corpus Christi*. A New York Times columnist wrote that the play, "retells the Biblical story of a Jesus-like figure from his birth in a Texas flea-bag hotel . . . to his crucifixion as 'king of the queers' in a manner with the potential to offend many people." Money is fungible--by moving the NEA grant to a noncontroversial project, the MTC kept its total budget high enough to continue funding this anti-Christian play and at the same time avoid criticism for abusing an NEA grant.

The second significant event is that the Supreme Court, in *National Endowment for the Arts v. Finley*, upheld the statute directing the NEA to take into consideration "general standards of decency and respect for the diverse beliefs and values of the American public" in making grants. However, it also pointedly noted that the law does not preclude NEA funding for indecent or disrespectful projects, and it cautioned against discrimination on the basis of "viewpoint." Basically, the court upheld the NEA's grant selections because it had appointed individuals with diverse backgrounds to review grant requests. The Supreme Court's tepid defense of having standards can be read more as a requirement that all artistic "viewpoints," however sacrilegious, repulsive, hateful, or immoral they may be to the vast majority of Americans, must be given an equal right to any funding.

Recent events have not given us any reason to believe that the NEA has really reformed. Further, we remain convinced that having a government agency to tell Americans what art they should or should not like, and to tax Americans to pay for that art that has been picked by Federal bureaucrats as worthy of support, is fundamentally undemocratic. Therefore, we strongly support the Ashcroft amendment to eliminate funding for the NEA.